

Frequently Asked Questions Regarding the Dunphy Park Encampment

Updated June 25, 2021

Overall Status

Q. What is the status of the Dunphy Park Encampment?

- A. On Friday, June 25, the City of Sausalito posted a 72-hour Notice to Vacate requiring the occupants of the encampment to relocate to city-owned Marinship Park by Tuesday, June 29, in accordance with a city [resolution](#) designating Marinship Park as the transitional site in Sausalito for individuals who have no option of sleeping indoors. The notice also aligns with a May 26 [ruling](#) by the U.S. District Court, Northern District of California, that determined the move from Dunphy Park to Marinship Park would be safely accomplished.

Q. What will happen to Dunphy Park?

- A. A portion of the former site of the Dunphy Park encampment will be converted to a staging area for a construction project to remove a dirt pile adjacent to the site. The approximately 3,300 cubic yards of soil resulted from a park improvement project completed in September 2020, and its removal is required by the Bay Conservation and Development Commission. Construction work is scheduled to begin soon.

Q. When did a tent encampment first appear at Dunphy Park?

- A. The first tent was erected at Dunphy Park on or around December 28, 2020.

Q. How many people are camping at Dunphy Park?

- A. There are approximately 31 people camping at Dunphy Park, according to Police Chief John Rohrbacher's report at the May 25 City Council meeting. Based on information provided to the chief by Urban Alchemy, the nonprofit homeless support organization the City retained to manage and evaluate the homeless encampment, the encampment is very transient and the population varies day to day. At the May 25 City Council meeting, the chief also said that the encampment contains about 44 tents, some of which are utilized for storage.

Q. Do all the encampment occupants lack housing or a place to sleep indoors?

- A. The City believes that many of the encampment occupants lack access to alternative shelter for overnight sleeping, based on assessments by Urban Alchemy and by the Downtown Streets Team, a nonprofit which works to end homelessness and provides social services to Sausalito on behalf of the Marin County Department of Health and Human Services.

Q. Have any health or safety issues been reported at the encampment?

- A. While the City is unaware of any reports of health or safety issues at the encampment, the City has ongoing concerns regarding the lack of conveniently located permanent bathrooms at the encampment, over-crowding, and general compliance with COVID-19 guidelines from Marin Public Health and the CDC.

Q. Is the Dunphy Park encampment located on City-owned property?

- A. Some of the tents in the encampment are on land owned by the City, but the majority are situated on neighboring private property.

Q. What services has the City been providing to the Dunphy Park encampment and what services will be provided to the encampment at Marinship Park?

- A. The City is committed to ensuring that Marinship Park is a safe and appropriate transitional site for individuals who have been occupying Dunphy Park and have no other option for indoor sleeping.

The City has been providing two portable toilets, a handwashing stations and garbage receptacles at Dunphy Park. In addition to these amenities, Marinship Park offers permanent restroom facilities as well as twice weekly mobile showers and social services provided by the nonprofit Downtown Streets Team. In addition, the City has retained the community support group Urban Alchemy to manage the encampment and provide assistance to its occupants.

Q. Is Marin County seeing an increase in tent encampments and homelessness?

- A. A [Marin Independent Journal](#) editorial said that it is not known if the number of homeless individuals in the County has increased over the last year, “but the numbers have become more obvious.” (A “point-in-time” count to determine the number of homeless individuals in the County was last completed in January 2019; the count was not done this past January because of the pandemic.) The March 17, 2021, editorial said that many services for the homeless have changed or closed due to the pandemic. Separately, the [City of San Rafael](#) has noted that encampments are one of the “most visible manifestations of unsheltered homelessness,” but are relatively rare.

City of Sausalito’s Policy on Encampments

Q. Is it OK for anyone to set up a tent in a City park?

- A. The City-owned parks in Sausalito provide daytime recreational use for residents and visitors. They are not equipped with the amenities to support overnight camping. In early February, the City Council adopted a [resolution](#) closing certain City property, including Dunphy Park, to camping and storage of personal property. The resolution, which also prohibited all daytime camping, designated an area in the City’s Marinship Park as a temporary, transitional overnight camping location for individuals who have no option of sleeping indoors. U.S. District Court Judge Edward M. Chen [granted a preliminary injunction](#) on March 1, 2021, enjoining the City from enforcing the resolution, citing concerns that the relocation of the encampment and the prohibition of daytime camping may contribute to the spread of COVID-19 among encampment occupants and the broader public. The order was in response to an [application](#) filed by the Sausalito/Marin County Chapter of the California Homeless Union.

Q. Does the original preliminary injunction remain in effect?

- A. Partially. The City is still enjoined from enforcing its prohibition on daytime camping. However, on May 26, Judge Chen [ruled](#), in response to a [motion](#) by the City, that the Dunphy Park encampment may be relocated to Marinship Park. When the preliminary injunction was issued in March, Judge Chen said he was open to receiving a motion to modify from the City provided it could prove a relocation could be safely accomplished and that Marinship Park presented no toxic risks due to the proximity of the U.S. Army Corps of Engineers’ vessel abatement operations. In granting the City’s motion and allowing the encampment to relocate, Judge Chen noted that based on the evidence, including expert testimony, “there is no significant danger to people living in Marinship Park.”

Q. How long will the court order prohibiting the City from enforcing its resolution against daytime camping remain in place?

- A. When the preliminary injunction was issued, Judge Chen wrote in his ruling that “as the COVID-19 situation changes, the preliminary injunction may need to be revisited,” adding that the “calculation of safety risks and the balance of hardships could change if the pandemic recedes.”

Q. Why is Marinship Park a better location for an encampment than Dunphy Park?

- A. Marinship Park offers more space than the encampment location at Dunphy Park and can safely accommodate the encampment occupants. (The Dunphy Park encampment encroaches on neighboring private property and the owner of that property has [informed the City](#) that it objects to

this encroachment.) The City has made or is making improvements at Marinship Park to provide for a safe relocation, including:

- Deep cleaning, repairing and repainting of the permanent restrooms, as well as regular servicing and restocking of these facilities.
- Supplying portable toilets, handwashing stations, a dumpster and personal protective equipment.
- Installing social distancing markers for the placement of tents.

In addition, Marinship Park is the site of [mobile shower/restroom trailers](#) provided by the Downtown Streets Team, which also provides information on available housing and other support services.

Q. How will the occupants of the tent encampment make the move to Marinship Park?

- A. The City, working with Urban Alchemy, will provide for the safe transportation of individual campers and their belongings.

Q. Does it set a precedent for the City of Sausalito to accommodate a tent encampment?

- A. The 9th Circuit Court of Appeals in [Martin v. Boise](#) held that municipalities must not criminalize sleeping outdoors on public property for persons who have no option to sleep indoors. Municipalities, however, may select the location(s) for such outdoor sleeping site(s) and always maintain their constitutional police authority to enact reasonable regulations to promote health and safety. In addition, the [Centers for Disease Control](#) has provided additional guidance for regulating homeless encampments to minimize the risk of spreading COVID-19.

City of Sausalito's Response to the Encampment

Q. How is the City of Sausalito trying to help the occupants of the encampment secure alternate housing?

- A. City officials continue to work closely with local and state governmental agencies and elected officials, as well as nonprofit organizations, to identify and help to create options for appropriate and alternative housing for the occupants of the encampment. The city is focused on identifying and pursuing all available avenues to meet the longstanding needs of inadequately housed populations. The city's efforts include building on the Safe Harbor Program of its [Waterfront Management Plan](#), as well as initiating new programs aimed at creating both temporary and long-term housing. Most recently, the City committed up to \$40,000 to support a [countywide initiative](#) to help get people who have no options for overnight sleeping into permanent housing. The funding will come from the \$1.69 million in federal aid the City expects to receive under the American Rescue Plan (ARP) and will facilitate the hiring of additional case managers for the initiative. Marin County cities, as well as the county, are funding the effort on levels proportional to the amount of ARP funds received.

Q. Does Sausalito have the resources or staffing to oversee the issues that arise from having a tent encampment in a public park?

- A. The City of Sausalito is a relatively small city and does not have the staff to manage the day-to-day issues associated with a tent encampment. However, members of the City Council and representatives of the Sausalito Police Department and other departments have increased their participation in efforts across Marin County that focus on issues concerning tent encampments. To help manage and evaluate the homeless encampment, the City retained a nonprofit community support organization, Urban Alchemy, to provide services three days a week. Urban Alchemy's current contract with the City runs through August 31, 2021. In addition, the Downtown Streets

Team, a nonprofit homeless support organization that provides social services on behalf of Marin County, provides outreach services in southern Marin County, including Sausalito.

Q. Why is it taking so long to find appropriate alternative housing for the occupants of the encampment?

- A. California has the largest homeless population in the nation, according to a [recent state audit](#). The state has shelter capacity for only 30 percent of the people experiencing homelessness; Marin County faces the same lack of housing, according to the [City of San Rafael](#). In light of this situation, [Marin County is taking steps](#) to increase the availability of safe housing and services in order to provide accessible alternatives to living on the streets or in public parks.

Homelessness and the Anchor-Out Community

Q. Are occupants of the Dunphy Park encampment without shelter because they lost their boats in recent storms or their vessels have been confiscated and destroyed?

- A. The City believes that some of the encampment occupants had been living on vessels in Richardson's Bay.

Q. Do the occupants of the encampment also have vessels anchored in Richardson's Bay?

- A. Police Chief John Rohrbacher told the City Council at its May 25 meeting that about 12 of the approximately 31 individuals at the Dunphy Park encampment have small boats and regularly go back and forth between the encampment and vessels on the Richardson's Bay anchorage that are outside of Sausalito waters and the City of Sausalito's jurisdiction.

Q. Has the City confiscated and destroyed the vessel of any encampment occupant?

- A. No. In recent years, the City has worked diligently to remove marine debris from Sausalito waters. There are 6 vessels remaining in Sausalito waters that have been declared "legacy anchor outs" by the Sausalito City Council and are not being removed immediately. Under the City's [agreement](#) with the Bay Conservation and Development Commission (approved unanimously by the commission on January 21, 2021) those vessels are slated for removal by the end of 2025. The City is working with occupants of some of these vessels to be moved into local marinas as part of the Safe Harbor Program under the City's [Waterfront Management Plan](#).

Q. What is the policy of the Richardson's Bay Regional Agency (RBRA) in terms of removing vessels from Richardson's Bay?

- A. The City of Sausalito is not a member of the RBRA but does interact with the agency. It is the City's understanding that the RBRA is removing unoccupied marine debris vessels from Richardson's Bay. Information on the RBRA is available at rbra.ca.gov.